DECISION TO BLOT OUT CITY SALOONS

Liquor Men Generally Admit Last Hope of Revival Is Blasted.

RAIDERS WILL SPEED UP

Brewers' Counsel Sees Only Hope in Future Interpretation of Laws.

The Supreme Court's decision upholding the constitutional prohibition and the Volstead enforcement act was received in New York as "a last straw." Liquor dealers who have been holding out and selling half of 1 per cent. beer in the hope that the future and the Supreme Court's judgment might bring permission to place drinks with real kicks in them on sale again prepared to haul down the blinds and sell the bars and brass rails. James Shevlin, prohibition enforcement agent, took the cheerful view of the matter, having no interest in booze aside from the planning of new ways o fseizing and arresting violators of the new laws. He listened to the lamentations of the saloonkeepers and then said the court decision made their fate even more certain.

Everyone viewing the liquor question, no matter from what angle, saw nothing but an end to the sale of anything stronger than legal beer.

In the opinion of Mr. Shevlin, the news from Washington was equivalent to an order to shut down 75 per cent. of the city's saloons. He said that number of the "soft" beer shops would quit because the owners have been holding on only for the purpose of being ready to take advantage of a decision that prohibition was unconstitutional. He said his own forces would be increased by about thirty men, and that with that number he expected to blot up every drop of booze in the district.

Blow to Liberty."

The decision was referred to by the Association Opposed to National Prohibitions as "the greatest blow to constitutional liberty of a republican form of government that this country has received in its whole history." The statement issued by the association contained much more than that remark, and added to it the forecast that no sweeping effects would result immediately to "bring about any change in the present alleged prohibition conditions."

"Theoretically and legally," said the statement from the association's office, "the country will remain dry until the President proclaims the demobilization of the army, which was demobilized, in fact, so long ago that the memory of man goeth not back to the contrary, and puts and end to so-called war phohibition. . . . We respect the great learning of the Supreme Court of the United States, but we are utterly unable to see by what process, either of reasoning or of logic, the decision can be reconciled with the best traditions of liberty, freedom and justice as laid down in the Constitution."

A meeting of the association members will be called immediately, and until there has been a conference the organization's plan of operation in the future will not be determined upon.

An attitude of preference for silence was adopted by William H. Hirst, counsel for the New York Brewers' Association. "The Supreme Court has said the final word," he said finally. "The only thing we can do is to look to the future with the hope that Congress may place a more liberal interpretation on the term 'intoxicating liquors.'"

Celebrate Too Early.

In many parts of the city an hour or so of the day was spent in a celebration of what it was hoped the Supreme Court's decision would be. Therefore much good money passed to the rear of many bars and from bullion cups and tea cups were drunk toasts to the Court's good judgment. But the editions of the afternoon papers carrying the Washington bulletin soon put an end to the parties that had been organized. The celebrations were changed into post-mortems.

An indication of the complete surrender of all concerned, was shown by Bernard J. Feeley, president of the United Liquor Dealers' Association of Kings County. Mr. Feeley declared it certain that the saloons would disappear at once. "The inevitable has happened," he said. "We will accept the situation graciously."

In the late afternoon, when Mr. Shevlin was making his prophecies about blotting up the last drop, he took the occasion to alter earlier statements that were made about his "flying squadrons" of Tennessee mountain booze hunters, who, it was supposed, had been brought into town secretly for the purpose of mopping up. He said there were but thirty instead of fifty of them, and the reported thirty-five arrests were cut down to twenty.

Regular agents on the staff of the enforcement officer searched vessels tied up at Brooklyn piers yesterday and found that great tin containers labelled "Corned beef," "Pickled tripe" and "Pickled pigs' feet" held a considerable quantity of booze. This, together with about 700 bottles of various liquors, was seized.

BEER LICENSES ARE HALTED BY STATE

Further Preparation Waits Study of Decision.

Special to THE SUN AND NEW YORK HERALD.

ALBANY, June 7.—The State Excise Department, immediately upon learning of the decision of the United States Supreme Court upholding the Volstead act, stopped its preparations for the printing and issuing of licenses for the sale of 2.75 per cent. beer under the new State Walker law. No applications had been made for 2.75 per cent. beer licenses, but the Department was preparing to issue them in the event of a decision against the Volstead act.

"Whatever further action we will take," said J. Farrier, First Deputy State Excise Commissioner, "will be determined after the counsel of the Department has had an opportunity to study the decision and opinion of the United States Supreme Court on the Volstead act. Until then we must assume that the Federal law takes precedence over the State law. I do not believe now that any applications will be made for licenses to sell 2.75 per cent. beer, as it would act merely as a notification to Federal authorities to get after those taking out the licenses."

The Walker law provides for licenses of $100 a year for the selling of 2.75 per cent. beer in stores, not to be drunk on the premises; of $500 a year for the selling of the beer with meals in restaurants in New York city, and $250 for restaurants in other first and second class cities. Now these licenses will not be issued.

The Walker law also imposes a tax of $10 a year on drug stores which sell whiskey on doctors' prescriptions and $250 a year for the trafficking in liquors for manufacturing and religious purposes but not as beverages.

The Excise Department already is carrying out these provisions of the law. The Department will not interfere with saloons or anybody else selling one-half of 1 per cent. beer, which is allowed by the Volstead act.

BONE DRY U. S. IS DECREES BY COURT

Continued from First Page.

spected and given effect the same as other provisions of that instrument.

"6. The first section of the amendment—the one embodying the prohibition—is operative throughout the entire territorial limits of the United States, binds all legislative bodies, courts, public officers and individuals within those limits and of its own force invalidates any legislative act—whether by Congress, by a State Legislature or by a Territorial Assemly—which authorizes or sanctions what the section prohibits.

Concurrent Power Clause.

"7. The second section of the amendment—the one declaring 'the Congress and the several States shall have concurrent power to enforce this article by appropriate legislation'—does not enable Congress or the several States to defeat or thwart the prohibition, but only to enforce it by appropriate means.

"8. The words 'concurrent power' in that section do not mean joint power, or require that legislation thereunder by Congress, to be effective, shall be approved or sanctioned by the several States or any of them; nor do they mean that the power to enforce is provided between Congress and the several States along the lines which separate or distinguish foreign and interstate commerce from intrastate affairs.

"9. The power confided to Congress by that section, while not exclusive, is territorially coextensive with the prohibition of the first section, embraces manufacture and other intrastate transactions as well as importation, exportation and interstate traffic, and is in nowise depended on or affected by action or inaction on the part of several States or any of them.

"10. That power may be asserted against the disposal for beverage purposes of liquor manufactured before the amendment became effective, yet as it may be against subsequent manufacture for those purposes. In either case it is a constitutional mandate or prohibition that is being enforced.

"11. While recognizing that there are limits beyond which Congress cannot go in treating beverages as within its power of enforcement, we think those limits are not transcended by the provision of the Volstead act, wherein liquors containing as much as one-half of one per cent. of alcohol by volume and fit for use for beverage purposes are treated as within that power. Jacob Ruppert vs. Caffey, 251 U. S. 264."

Withholds His Views.

Justice Clarke dissented from the eighth and ninth paragraphs of the summary, but entered into no discussion of his reasons. Mr. Justice McReynolds in his opinion merely withheld his view altogether, explaining his position by stating that "it is impossible now to say what construction should be given the Eighteenth Amendment" and that "because of the bewilderment which the article creates a multitude of questions will inevitably arise and demand solution," and he therefore wishes to remain free to consider and discuss these questions when they arise.

The court declares conclusions without giving reasons, Justice McKenna stated, and that may be wise in establishing a precedent which will decrease the literature of the court if it does not increase its lucidity. With the clear declarations that the Eighteenth Amendment is part of the Constitution he agrees, he stated. Regarding the paragraphs 4, 5 and 6, the Justice neither agreed nor disagreed, and said 7 was unnecessary. Conclusions 8 and 9 are complements of each other and express the power of Congress over the liquor traffic.

It is on the question of the concurrent power of States that the Justice places great emphasis in his opinion. He asks why the highest court does not give a clear ruling on the State legislation involved.

"What is meant by the words 'concurrent power?'" the Justice asks. "Do they mean separate or united action? And if they differ shall Congress be supreme? The Government answers that the words mean separate and independent action and in case of conflict that of Congress is supreme, and asserts beside that the answer is sustained by legal precedent. I contest the assertions. Opposing laws are not concurrent laws and to assert the supremacy of one over the other is to assert the exclusiveness of one over the other, not its concomitance. Such is the result of the Government's contention, the Justice states, and continues:

"It is to be remembered that the Eighteenth Amendment was intended to deal with a condition not a theory and one demanding something more than exhortation and precept. The habits of a people were to be changed, large business interests were to be disturbed, and it was considered that the change and disturbance could only be effected by punitive nad repressive legislation, and it was naturally thought that legislation enacted by "the Congress and the several States" by its concurrence would better enforce prohibition and avail for its enforcement the two great divisions of our governmental systems, the nation and the States with their influences and instrumentalities.

"From my standpoint the exposition of the case is concluded by the definition of the words of Section 2. There are, however, confirming considerations and militating considerations are urged."

Congress Not Supreme.

Reviewing precedents, the Justice states there are as many solutions as there are minds considering the section, and holds the position that in all cases where the powers of Congress and the States conflict the former shall predominate is not tenable. "The powers of Congress were not decided to be supreme because they were concurrent with powers in the States, but because of their source, which was the Constitution of the United States." He continued:

"If it be said that the States got no power over prohibition that they did not have before, it cannot be held that it was not preserved to them by the amendment though the policy of prohibition was made national. Besides, there was a gift of power to Congress that it did not have before, a gift of a right to be exercised within State lines but with the limitation or condition that the police powers of the State should remain with the States and be participated in by Congress only, in concurrence with the States, and thereby preserved from abuse by either or exercise to the detriment of prohibition. There was, however, a power given to the States, a power over importation, and this power was subject to concurrence with Congress and had the same safeguards.

"What power is assigned to the States to legislate if the legislation be immediately superseded? Indeed, as this case shows, it is possibly forestalled and precluded by the power exercised in the Volstead act. And meaningless is the difference the Government suggests between concurrent power and concurrent legislation. A power is given to be exercised, and we are cast into helpless and groping bewilderment in trying to think of it apart from its exercise or the effect of its exercise.

"It is strange that with all the language to draw upon, the framers of the amendment in drawing the second clause of the article dealing with concurrent power "selected words that expressed the opposite of what they meant—expressed concurrent action instead of substitute action. I cannot assent. I believe they meant what they said."

In the crowd of spectators in the court room when the decision was read were counsel for both the wets and drys.

7,000 GALLONS BEER POURED INTO SEWERS

Zion City Gets Rid of Seized Lager Before Decision.

Special to THE SUN AND NEW YORK HERALD.

CHICAGO, June 7.—Perhaps it was that authorities at Zion City, just outside the city limits of Chicago, feared that the United States Supreme Court might declare the Eighteenth Amendment and the Volstead Act unconstitutional. At any rate, they decided to hit John Barleycorn while they could and to-day poured 52,728 bottles, 554 cases, 307 barrels and 18 kegs of real beer into the city sewers.

A wooden trough was placed at the sewer cap next to the administration building, the 7,000 gallons of beer were placed beside it and then nine boys, especially hired for the occasion, began the pouring.

The disposal of the beer in question has been perplexing Zion City officials since last August, when it was seized as it was being taken in motor trucks from Kenosha to Chicago. Since that time it had been stored in the police station.

BRYAN IN DRY MOVIE HOUR AFTER DECISION

'Cut,' Yell Picture Men as He Winds Up for a Speech.

CHICAGO, June 7.—Less than an hour after the Supreme Court handed down the prohibition decisions to-day William J. Bryan was delivering a speech about them to a battery of movie machines.

The cameramen found the apostle of prohibition and democracy in a hotel lobby and immediately began to "shoot" him.

"Talk, say something, Mr. Bryan," urged one of the movie men. "A little pep, a little action please."

"Ah, gentlemen," responded the peerless one graciously and with gestures, "I am much gratified at the Supreme Court's decision to-day, although it was not unexpected——"

"Cut," roared the movie men, "'s'nuff," and they scampered off, leaving Mr. Bryan in the middle of a smile and his arm suspended in the midst of a gesture.

MRS. FRIEDE GETS $4,000.

Broker Must Also Pay $1,000 Fees in Separation Case.

Mrs. Beatrice S. Friede of New Rochelle, the wife of Leo Friede, a member of the New York Stock Exchange, received an allowance of $4,000 a year alimony and $1,000 counsel fees by Supreme Court Justice Albert H. F. Seeger, in White Plains, yesterday, pending trial of her action for a separation from her husband. Mrs. Friede names Beulah McFarland, an actress, as co-respondent. The complaint reveals that Mr. and Mrs. Friede still live under the one roof, but maintain separate apartments.

Mrs. Friede alleges her husband treated her in a "mean, snubbing and contemptuous manner" since their marriage, in 1909, has cut off her charge accounts at stores and has prevented her from purchasing necessary clothing. Justice Seeger decreed that Mrs. Friede may continue to have the use of the house in which she is living, but Mr. Friede must pay the taxes, insurance and other fixed charges.

BREAKS RECORD FROM BUENOS AIRES

Liner Vestris Brings Alleged Slacker and Fire Worshipper.

The Lamport & Holt liner Vestris made a new record yesterday, it was stated when the vessel docked in Brooklyn, by covering the distance from Buenos Aires to New York in 16 days, 18 hours and 41 minutes. The former record, that of the Vauban, of the same line, was 19 days and 6 hours.

Among the passengers on board were one alleged draft dodger, Louis Morrison, of 131 Debevoise street, Brooklyn, and two fire worshippers, Mr. and Mrs. Tehmuras Cama of Bombay. Mr. Cama, a member of the Royal Asiatic Society of Bombay, is the author of a number of books and Mrs. Cama was distinguished for her remarkable wardrobe. An embroidered gold shawl more than 500 years old was one of the effects of the Parsee lady particularly admired by other feminine passengers.

According to United States District Attorney Leroy W. Ross's office, Morrison, the alleged slacker, signed his questionnaire on June 26, 1917, and then left the United States for South America, where he moved from city to city.